

THIRTY-NINTH DAY

(Thursday, March 24, 1955)

The Senate met at 10:30 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Moore
Ashley	Owen
Bracewell	Parkhouse
Colson	Phillips
Corbin	Ratliff
Fly	Roberts
Fuller	Rogers
Hardeman	of Childress
Kazen	Rogers of Travis
Kelley	Secrest
Latimer	Shireman
Lock	Strauss
Martin	Wagonseller
McDonald	Willis

Absent—Excused

Hazlewood	Moffett
Lane	Weinert

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation as follows:

Our Father, we would not be as the hypocrite who prays long prayers to be seen and heard of men. Make us to be as the poor publican who prayed, "God be merciful to me a sinner." Forgive us, we pray; renew a right spirit within us, and fill us with Thy love that we may be lovely and loveable. For Christ's sake. Amen.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leaves of Absence

Senator Weinert was granted leave of absence for today on account of important business on motion of Senator Martin.

Senator Hazlewood was granted leave of absence for today on account of important business on motion of Senator Ashley.

Senator Moffett was granted leave of absence for today on account of important business on motion of Senator Aikin.

Reports of Standing Committees

Senator Secrest submitted the following reports:

Austin, Texas,
March 24, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. B. No. 16, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

SECREST, Vice-Chairman.

Austin, Texas,
March 24, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. B. No. 557, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

SECREST, Vice-Chairman.

Austin, Texas,
March 24, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. C. R. No. 44, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

SECREST, Vice-Chairman.

Austin, Texas,
March 24, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 46, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

SECREST, Vice-Chairman.

Austin, Texas,
March 24, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 266, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

SECREST, Vice-Chairman.

Senator Colson submitted the following reports:

Austin, Texas,
March 24, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Education, to whom was referred S. B. No. 50, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

COLSON, Chairman.

Austin, Texas,
March 24, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Education, to whom was referred H. B. No. 270, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

COLSON, Chairman.

Austin, Texas,
March 24, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Education, to whom was referred H. B. No. 406, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

COLSON, Chairman.

Austin, Texas,
March 24, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Education, to whom was referred H. B. No. 453, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

COLSON, Chairman.

Senator Fuller submitted the following reports:

Austin, Texas,
March 24, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred H. C. R. No. 6, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

FULLER, Chairman.

Austin, Texas,
March 24, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred H. B. No. 85, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, as amended, and be printed.

FULLER, Chairman.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
March 24, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. J. R. No. 15, Providing for the improved support of the University of Texas and the Agricultural and Mechanical College of Texas from a source other than tax revenue by providing for the broader investments of the Permanent University Fund in corporate bonds and stocks under certain conditions and limitations; providing for an election and the issuance of a proclamation therefor.

H. J. R. No. 31, A Joint Resolution "Proposing an amendment to Section 51 of Article III of the Constitution of the State of Texas by adding thereto, a new section to be known as Section 51a and providing that the Legislature may grant aid and compensation to persons who have been fined or imprisoned in this State, under the laws of this State for of-

fenses of which they are not guilty."

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives.

Senate Bill 372 on First Reading

Senator Colson moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit her introducing at this time a bill, the provisions of which she explained.

The motion prevailed by the following vote:

Yeas—26

Aikin	Owen
Ashley	Parkhouse
Bracewell	Phillips
Colson	Ratliff
Corbin	Roberts
Fly	Rogers
Fuller	of Childress
Hardeman	Rogers of Travis
Kazen	Secrest
Kelley	Shireman
Latimer	Strauss
Lock	Wagonseller
Martin	Willis
McDonald	

Absent

Moore

Absent—Excused

Hazlewood	Moffett
Lane	Weinert

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Colson:

S. B. No. 372, A bill to be entitled "An Act to amend Section 9 of Senate Bill No. 270, Chapter 7, Acts of the 46th Legislature, Regular Session, as amended by Senate Bill No. 158, Chapter 87, Acts of the 48th Legislature, Regular Session; and House Bill No. 437, Chapter 207, Acts of the 49th Legislature, Regular Session; and House Bill No. 353, Chapter 72, Acts of the 50th Legislature, Regular Session; and House Bill No. 653, Chapter 271, Acts of the 51st Legislature, Regular Session; and House Bill No. 430, Chapter 430, Acts of the 53rd Legislature, Regular Session, 1953, page 1043; and Senate Bill No. 44, Chapter 53, Acts of the 53rd Legislature, First Called Session, 1954, page 117; to extend the time of ex-

istence of the Special Ninth Judicial District Court of Montgomery, Polk, San Jacinto and Trinity Counties; and declaring an emergency."

To the Committee on Judicial Districts.

Senate Resolution 140

Senator Strauss offered the following resolution:

Whereas, We are honored today to have in the gallery the 7th and 8th grades of the Cistern School, Fayette County, Texas, accompanied by Mr. Gilbert Keiler, their teacher; and

Whereas, These students and guests are on an educational tour of the Capitol Building and the Capital City; and

Whereas, These fine young American citizens are here to observe and learn firsthand the workings of their State Government; now, therefore, be it

Resolved, That we officially recognize and welcome this class and commend them for their interest, and that a copy of this resolution, properly indorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Strauss by unanimous consent presented the students and Mr. Keiler to the Members of the Senate.

Presentation of Guests

Senator Rogers of Travis by unanimous consent presented students of the Jerry Joslin School of Austin accompanied by their teacher, Mrs. Simpson, and students of the I. W. Popham School of Travis County and their teacher, Mrs. Oates, to the Members of the Senate.

Senate Resolution 141

Senator Latimer offered the following resolution:

Whereas, We are honored today to have in the gallery the World Problems Class of the Edgewood High School of San Antonio, Texas, accompanied by their teacher, Mr. James Forester, and

Whereas, These students and guests are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine class of young

American citizens is here to observe and learn firsthand the workings of their State Government; now therefore, be it

Resolved, That we officially recognize and welcome this class and commend them for their interest, and that a copy of this resolution, properly indorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Latimer by unanimous consent presented the students and Mr. Forester to the Members of the Senate.

Senate Resolution 142

Senator Latimer offered the following resolution for Senator Weinert:

Whereas, We are honored today to have in the gallery 35 pupils from the 7th and 8th grades, Navarro School, Geronimo, Texas, accompanied by Mrs. W. F. Hall and four parents; and

Whereas, These students and guests are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine class of young American citizens are here to observe and learn firsthand the workings of their State Government; now, therefore, be it

Resolved, That we officially recognize and welcome this class and commend them for their interest, and that a copy of this resolution, properly indorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

WEINERT
LATIMER

The resolution was read and was adopted.

Senator Latimer by unanimous consent presented the students and Mrs. Hall to the Members of the Senate.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
March 24, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 71, Requesting the Governor to return House Bill No. 27 to the House for certain necessary corrections.

Respectfully submitted,
DOROTHY HALLMAN,
Chief Clerk, House of Representatives.

House Concurrent Resolution 71 on Second Reading

The President laid before the Senate on its second reading the following resolution:

H. C. R. No. 71, Requesting the Governor to return H. B. No. 27 to the House for corrections.

The resolution was read the second time and was adopted.

Senate Resolution 143

Senator Aikin offered the following resolution:

Whereas, Mrs. W. D. Hoofer is a visitor at the Capitol today; and

Whereas, Mrs. Hoofer is a distinguished citizen of our State; and

Whereas, The Senate is delighted to have Mrs. Hoofer as our guest; now, therefore, be it

Resolved, That Mrs. Hoofer be extended the privileges of the floor today.

The resolution was read and was adopted.

Senator Aikin by unanimous consent presented Mrs. Hoofer to the Members of the Senate.

(Senator Hardeman in the Chair.)

Resolutions Signed

The Presiding Officer announced the signing by the President in the presence of the Senate after the captions had been read the following enrolled resolutions:

H. C. R. No. 69, Authorizing Enrolling Clerk to make certain corrections in H. B. No. 151.

H. C. R. No. 71, Requesting the Governor to return House Bill No. 27 to the House for corrections.

Senate Resolution 144

Senator Kelley offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate a

group of distinguished citizens and public officials from Hidalgo County, Charles Curtis, County Commissioner; B. F. McKee, County Auditor, and Henry P. Griffin, County Engineer; and

Whereas, We desire to welcome these distinguished visitors to the Capitol Building and Capital City; now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended the official welcome of the Senate.

The resolution was read and was adopted.

Senator Kelley by unanimous consent presented the distinguished guests to the Members of the Senate.

Senate Resolution 145

Senator Hardeman offered the following resolution:

Whereas, We are honored today to have in the gallery Student Teachers from Sul Ross State College accompanied by Dr. Virginia Link; and

Whereas, These students and guests are on an educational tour of the Capitol Building and the Capital City; and

Whereas, These fine young American citizens are here to observe and learn firsthand the workings of their State Government; now, therefore, be it

Resolved, That we officially recognize and welcome this class and commend them for their interest, and that a copy of this resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Hardeman by unanimous consent presented the students and Dr. Link to the Members of the Senate.

Senate Resolution 146

Senator Shireman offered the following resolution:

Whereas, The Honorable Gordon Forsythe is a visitor in the Capitol today; and

Whereas, The Honorable Gordon Forsythe is a distinguished citizen of the Port of Play and Profit, the Naples of the Gulf and the fastest growing

city in Texas, the City of Corpus Christi; now, therefore, be it

Resolved, That the Senate of the State of Texas extend a most cordial welcome to the Hon. Gordon Forsythe and that he be granted the privileges of the floor for the day.

The resolution was read and was adopted.

Senator Shireman by unanimous consent presented Mr. Forsythe to the Members of the Senate.

Senate Resolution 147

Senator Kelley offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate a group of distinguished school administrators from Cameron County, Mr. Raymond G. Howard, Mr. E. D. Peck and L. E. Grantham, and principals of the San Benito Independent School District; and

Whereas, We desire to welcome these distinguished visitors to the Capitol Building and Capital City; now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended the official welcome of the Senate.

The resolution was read and was adopted.

Senator Kelley by unanimous consent presented the distinguished guests to the Members of the Senate.

Senate Resolution 148

Senator Moore offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate Carl Orr, C. C. McLanty, D. R. Denney, Cecil Nabors of Bryan, Texas; and

Whereas, We desire to welcome these distinguished visitors to the Capitol Building and Capital City; now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended the official welcome of the Senate.

The resolution was read and was adopted.

Senator Moore by unanimous consent presented the distinguished guests to the Members of the Senate.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
March 24, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. B. No. 160, A bill to be entitled "An Act creating 'Jackson County Water Control and Improvement District Number One,' a Conservation and Reclamation District as authorized by Section 59 of Article XVI of the Texas Constitution; constituting such district a political subdivision of the State and a body politic and corporate; prescribing the District's powers and providing that same shall include all powers and authority granted to water control and improvement districts under the general laws of the State pertaining thereto except as otherwise provided for in this Act; providing that confirmation election, hearing on exclusion of lands or hearing on the adoption of a plan of taxation shall not be necessary; providing that the ad valorem plan of taxation shall be used by the District; defining the boundaries of the District; providing for a Board of Directors to control and exercise the District's powers, their appointment, qualification, election, tenure and organization; providing for the levy, assessment and equalization of ad valorem taxes for the operation and maintenance of the District, the purchase and construction of its facilities and the payment of its obligations when authority therefor is given at an election held for the purpose; providing that the District may make and fix charges for the service of its Water and Sanitary Sewer Systems and facilities; authorizing the District to acquire and operate any and all property necessary to the exercise of its powers; authorizing the borrowing of money and the issuance of negotiable interest bearing bonds secured by net revenues, ad valorem taxes or by both revenues and taxes to accomplish the purposes for which the District is created; prescribing the methods to be employed in the authorization, issuance and sale of bonds; providing for the refunding of the District's obligations, providing for the submission of bond issues to the Attorney Gen-

eral for approval and the registration thereof by the Comptroller of Public Accounts and for the incontestability of bonds so approved and registered; authorizing the disbursement and investment of bond proceeds; exempting the District's bonds from taxation; declaring the District essential; providing that nothing in this Act shall be construed to violate any provision of the Federal or State Constitutions; providing that if any provision of this Act shall be held invalid, the validity of the other provisions shall not be affected; providing for a liberal construction of this Act; enacting provisions relating to the subject and purpose of this Act; and declaring an emergency."

(As amended.)

S. B. No. 175, A bill to be entitled "An Act creating the 'County Court at Law of Potter County' and defining its jurisdiction, original and appellate; defining the subject matter with respect to which the County Court at Law of Potter County and the County Court of Potter County shall have concurrent jurisdiction; authorizing the transfer of cases, with the consent of the respective judges, over which both such courts have concurrent jurisdiction, except where writ of certiorari has been granted; providing for concurrent jurisdiction of the County Court at Law of Potter County with the justice courts in all civil matters and preventing appeal or writ of error to the Court of Civil Appeals from any judgment not exceeding \$100.00; providing that the County Court of Potter County shall retain, as heretofore, general jurisdiction in certain enumerated matters; providing for terms of office for the County Court at Law of Potter County; prescribing the qualifications of the judge of the County Court at Law of Potter County; providing for the representation of the State by the County Attorney in the County Court at Law of Potter County and fixing his fees; providing for the appointment of a judge of the County Court at Law of Potter County and fixing his term; providing for the removal of the judge of the County Court at Law of Potter County and requiring his execution of bond and oath of office; providing for the appointment of a special judge of the County Court at Law of Potter County and fixing his compensation; providing for the selection of a special judge by agreement of attorneys where the

judge of the County Court at Law of Potter County is disqualified; granting to the County Court at Law of Potter County the power to issue writs necessary to enforce its jurisdiction; providing for a seal of the County Court at Law of Potter County; providing for the attendance of the Sheriff of Potter County or a deputy to attend the County Court at Law of Potter County; providing for the selection of jurors for the County Court at Law of Potter County; providing for the selection of a judge in the event of a vacancy in the office; providing a salary for the judge of the County Court at Law of Potter County and its payment; providing for the assessment of fees by the judge of the County Court at Law of Potter County; providing for the appointment of an official shorthand reporter for the County Court at Law of Potter County and his compensation; providing that the laws of Texas, the rules of procedure and the rules of evidence shall control the proceedings of the County Court at Law of Potter County; containing a severability clause; and declaring an emergency."

S. B. No. 177, A bill to be entitled "An Act to amend Section 7 and Section 11 of House Bill No. 91, Chapter 59, Page 167, Acts of the Fortieth Legislature, First Called Session, 1927, codified as Article 1970-305, so as to provide that the practice in the County Court at Law of Cameron County and the Appeals and Writs of Error therefrom shall conform to laws relating to county courts; fixing the terms of the County Court at Law of Cameron County, and providing where said court shall be held; amending Section 11 of Article 1970-305, Revised Civil Statutes of 1925, so as to provide procedure for the appointment of a Judge of the County Court at Law of Cameron County; providing that the County Judge of Cameron County shall sit to hear all matters of such disqualification, providing a method for the election of a special judge in such cases; and declaring an emergency."

S. B. No. 199, A bill to be entitled "An Act conferring powers and authority contained in Section 3a, of Chapter 25, Acts Regular Session of the 39th Legislature, as amended, upon El Paso County Water Control and Improvement District No. 4; making a finding of benefits and providing that no election on confirma-

tion of the organization of the District and no exclusion hearing shall be held in said District; providing for an election for the authorization of bonds of the District; conferring all the rights, powers, privileges and duties of the General Laws on said District; validating, ratifying and confirming all acts and proceedings heretofore had and taken in connection with the creation of said District; and declaring an emergency."

S. B. No. 78, A bill to be entitled "An Act amending Sections 186 and 93 of the Election Code of the State of Texas (codified as Articles 13.08 and 13.15 in Vernon's Texas Election Code), changing the basis of assessment and the method of payment of the filing fee for candidates for Justice of the Court of Civil Appeals in primary elections."

(With amendments.)

S. B. No. 245, A bill to be entitled "An Act to regulate the display of the Texas flag so as to forbid the use of any flag other than that of the United States in a position superior to that of the Texas flag at any place within the boundaries of the State of Texas; and declaring an emergency."

(With amendments.)

S. B. No. 351, A bill to be entitled "An Act validating Galveston County Navigation District No. 1; validating the election held Jan. 30, 1954, for the creation of said District and the issuance of bonds thereof and the levy of a tax for said bonds, and validating all proceedings relating to said election and creation and bonds, and validating said bonds, and providing that said bonds when approved by the Attorney General, registered by the Comptroller, and delivered to the purchaser or purchasers, shall be incontestable; validating governmental proceedings and acts performed by the governing board of said district and all officers thereof and by county officials and municipal officials in connection with said District; validating the area and boundary lines of said District; declaring that said district is one established and created under Sec. 59, Art. XVI, Constitution of Texas, and necessary to carry out the provisions of said Sec. 59, and that all land and other property within District are benefited by creation of said District and will be benefited by carrying out of the purposes for which the District was created and

by the acquisition and construction of the navigation facilities and improvements to carry out such purposes; providing that no power or authority be granted over the appointment, remuneration, operations or conduct of the Branch Pilots of the Galveston Bar or pilots of the Galveston Bar; providing that this act shall not apply to pending litigation in which the validity of creation of the District or of said bonds is involved if such litigation is ultimately determined against the legality thereof; providing a severability clause; and declaring an emergency."

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives.

Presentation of Guests

Senator Aikin by unanimous consent presented Mrs. Mattie Dancer, of Cooper; Mrs. Frank Grimes, of Paris; Dr. T. W. Rucker, of Commerce; Mr. T. J. Scott, of Cooper; and Mrs. John Porter, of Paris, to the Members of the Senate.

Presentation of Guests

The Presiding Officer (Senator Hardeman in the Chair) presented Mrs. C. L. Burns, Mr. Roy Fisher and Mr. Dale Woods of Brownwood for Senator Ashley to the Members of the Senate.

Report of Standing Committee

Senator Kazen, by unanimous consent, submitted the following report:

Austin, Texas,
March 24, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Penitentiaries, to whom was referred S. B. No. 235, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

KAZEN, Chairman.

Presentation of Guests

Senator Rogers of Travis by unanimous consent presented American History students of the Austin High School and their teacher, Mrs. Eva M. Rutledge, to the Members of the Senate.

Report of Standing Committee

Senator Kazen by unanimous consent submitted the following report:

Austin, Texas,
March 25, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Penitentiaries, to whom was referred S. B. No. 367, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

KAZEN, Chairman.

Senate Resolution 149

Senator Strauss offered the following resolution:

Whereas, We are honored today to have in the gallery the 7th and 8th grades of the Sheridan High School, Sheridan, Colorado County, Texas, accompanied by Mr. Obelgoner and Mrs. H. Kelly; and

Whereas, These students and guests are on an educational tour of the Capitol Building and the Capital City; and

Whereas, These fine young American citizens are here to observe and learn firsthand the workings of their State Government; now, therefore, be it

Resolved, That we officially recognize and welcome this class and commend them for their interest, and that a copy of this resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Strauss by unanimous consent presented the students and Mrs. Obelgoner and Mrs. Kelly to the Members of the Senate.

(President in the Chair.)

Committee Substitute House Bill 140 on Second Reading

The President laid before the Senate as pending business on its second reading C. S. H. B. No. 140 (the bill having been read the second time on Wednesday, March 23, 1955, with an amendment by Senator Phillips pending).

Question—Shall the amendment by Senator Phillips to C. S. H. B. 140 be adopted?

(Senator Hardeman in the Chair.)

Pending further discussion by Senator Phillips of his amendment, Senator Shireman occupied the Chair temporarily.

(Senator Hardeman in the Chair.)

Pending further discussion by Senator Phillips of his amendment, Senator Aikin occupied the Chair temporarily.

(Senator Hardeman in the Chair.)

Pending further discussion by Senator Phillips of his amendment, Senator Aikin occupied the Chair temporarily.

(Senator Hardeman in the Chair.)

(March 25, 1955)

Pending further discussion by Senator Phillips of his amendment, Senator Aikin occupied the Chair temporarily.

(Senator Hardeman in the Chair.)

Senator Lock raised the point of order that the remarks of Senator Bracewell to whom Senator Phillips had yielded for a question were not in the nature of an inquiry and that by reason thereof Senator Phillips yielded the floor.

The Presiding Officer (Senator Hardeman in the Chair) ruled that under Rule 25 remarks not in the nature of an inquiry are not in order by a Member to whom a Senator has yielded for a question with a warning that the remarks must be confined to an inquiry.

Pending further discussion by Senator Phillips of his amendment, Senator Aikin occupied the Chair temporarily.

Pending further discussion by Senator Phillips of his amendment, Senator Hardeman occupied the Chair.

(President in the Chair.)

During further discussion by Senator Phillips of his amendment, Senator Kelley occupied the Chair temporarily.

(President in the Chair.)

Senator Martin moved to table the amendment by Senator Phillips to C. S. H. B. No. 140.

The motion to table prevailed by the following vote.

Yeas—14

Aikin	Martin
Colson	Moffett
Fly	Owen
Fuller	Ratliff
Hardeman	Roberts
Kazen	Shireman
Lock	Strauss

Nays—11

Bracewell	Phillips
Corbin	Rogers
Kelley	of Childress
Latimer	Rogers of Travis
McDonald	Wagonseller
Parkhouse	Willis

Absent

Ashley	Secrest
Moore	

Absent—Excused

Hazlewood	Weinert
Lane	

Senator Hardeman offered the following amendment to the bill:

Amend Committee Substitute for H. B. No. 140, page 101, line or item 10, by striking the figures "13200" wherever they appear and insert in lieu the following "26400";

and by striking the figures "179340" wherever they appear in line or item 11 on page 101 and insert in lieu thereof the figures "218440";

and by striking the figures "97000" wherever they appear in line or item 14 on page 101 and insert in lieu thereof the figures "147000."

And change the totals from "390-085" wherever same appears and insert the figures "492385" therefor.

HARDEMAN
ASHLEY

On motion of Senator Martin the amendment was tabled.

Senator Hardeman asked to be recorded as voting "Nay" on the motion to table the above amendment.

Senator Bracewell offered the following amendment to the bill:

Amend Committee Substitute for

H. B. 140 by striking therefrom all of Section IV and substituting therefor the following:

ARTICLE IV. PUBLIC JUNIOR COLLEGES

Section 1. There is hereby appropriated from moneys in the State Treasury not otherwise appropriated the sum of Four Million Fifty Thousand and Twenty-three Dollars (\$4,050,023) for the fiscal year beginning September 1, 1955, and the sum of Four Million Fifty Thousand and Twenty-three Dollars (\$4,050,023) for the fiscal year beginning September 1, 1956, or as much thereof as may be necessary to pay the per capita apportionment provided for in subdivision (b) of Section 4 hereof, to be paid to the Public Junior Colleges of Texas which meet the standards herein required; and such sums shall be apportioned on the basis and in the manner hereinafter provided.

There is also hereby appropriated for each of these fiscal years the sum of Eighteen Thousand Dollars (\$18,000) to the Texas Central Education Agency and the sum of Fifteen Thousand Dollars (\$15,000) to the State Auditor for the necessary expense of carrying out the functions and responsibilities assigned to each by this Article.

Any amount appropriated herein and not used during the fiscal year ending August 31, 1956, is hereby re-appropriated to be used for the same purpose during the next fiscal year.

Section 2. To be eligible for and to receive a proportionate share of this appropriation, a Public Junior College must be so certified by the Commissioner of Education in accordance with rules and regulations adopted by the State Board of Education which shall give consideration to the following factors:

(a) The compliance by each Public Junior College participating in this appropriation with existing laws, rules, and regulations governing the establishment and maintenance of Public Junior Colleges;

(b) The minimum number of students for efficient operation, the size and quality of the instructional staff, the character of courses of study offered, the adequacy of physical facilities of instruction, and the adequacy of local financial support;

(c) The equivalency in the standards of instruction in the courses of study of each Public Junior College to

the standards maintained in the accredited four-year State supported institutions of higher learning. Only such courses as are offered by one or more of said four-year institutions and which meet such standards shall be counted in determining the amount of State Aid to be apportioned to the various eligible Public Junior Colleges; and

(d) The offering of at least twenty-four (24) semester hours of vocational and/or technical courses of study.

The Texas Central Education Agency shall determine whether each eligible Public Junior College has complied with all the provisions of this section; shall determine each College's list of courses on which participation herein is to be based; and shall certify its findings and such lists to the State Auditor not later than November 1st of each year.

Each Public Junior College shall report to the Texas Central Education Agency its total head count enrollment as of November 1 of each year, classified in accordance with the rules and regulations issued by the agency.

Section 3. It is further provided that to be eligible for and to receive a proportionate share of this appropriation, a Public Junior College shall:

(a) Prior to November 1st of each year collect tuition in the amount of twenty-five dollars (\$25.00) per semester from each full-time student (and a proportionate amount from part-time students) counted for State aid purposes, (except those who may be exempt by State law) and provided further that valid contracts with the United States Government for instruction of undergraduate military personnel may be considered as collections subject to adjustment after final payments thereof, and provided however, that in the event the college does not collect the required amount for a student's approved semester hour load then no portion of such student's hours shall be approved for apportionment.

(b) Use a financial reporting system which has been approved by the State Auditor, and furnish him with such reports and information as he may require.

Rules and procedures for administration of the provisions of Section 3 of this Article shall be prescribed by the State Auditor.

Section 4. (a) The sums appropriated herein shall be apportioned among

the following Public Junior Colleges which may qualify within the requirements of this Act:

Alvin Junior College at Alvin
 Amarillo Junior College at Amarillo
 Blinn Junior College at Brenham
 Cisco Junior College at Cisco
 Clarendon Junior College at Clarendon
 Del Mar Junior College at Corpus Christi
 Frank Phillips Junior College at Borger
 Gainesville Junior College at Gainesville
 Hardin Junior College of Midwestern University at Wichita Falls
 Henderson County Junior College at Athens
 Howard County Junior College at Big Spring
 Kilgore Junior College at Kilgore
 Laredo Junior College at Laredo
 Lee Junior College at Baytown
 Navarro Junior College at Corsicana
 Odessa Junior College at Odessa
 Pan American Regional Junior College at Edinburg
 Panola County Junior College at Carthage
 Paris Junior College at Paris
 Ranger Junior College at Ranger
 San Angelo Junior College at San Angelo
 San Antonio College at San Antonio
 Southwest Texas Joint Counties Junior College at Uvalde
 St. Phillips College of San Antonio
 Temple Junior College at Temple
 Texarkana Junior College at Texarkana
 Texas Southmost College at Brownsville
 Tyler Junior College at Tyler
 Tyler District College at Tyler
 University of Houston Junior College Division
 Victoria Junior College at Victoria
 Weatherford Junior College at Weatherford
 Wharton County Junior College at Wharton

(b) The funds herein appropriated for payment as per capita apportionment shall be disbursed to the Public Junior Colleges, which qualify to receive such, on the basis of:

- (1) \$230 per full-time student equivalent up to and including 250; and
- (2) \$189 per full-time student equivalent above 250.

If the amounts appropriated in Section 1 of this Article are not sufficient to pay the full amount which each Junior College would be entitled to re-

ceive under this subdivision, after paying in full the first bracket item stated above, then the amount to be paid to each shall be proportional to the amount that would have been paid if full payment could have been made on the second bracket item as stated above.

"Full-time student equivalent" as hereinabove used shall be defined as fifteen (15) semester credit hours. Semester credit hours to be counted for each Public Junior College shall not include those hours in excess of eighteen (18) hours being carried by any student, nor those hours being carried by any student in excess of a total of sixty-four (64) hours earned in an accredited College, nor those hours being carried by any student receiving the benefits of U. S. Public Laws No. 346, 78th Congress, nor those hours being carried by any student who has not paid before November 1st the tuition required to be collected under Sec. 3 (a) above.

(c) Rules and procedures for administration of the provisions of Section 4 (b) of this Article shall be prescribed by the State Auditor.

Section 5. The expenditure by a Public Junior College of any funds received by it under the provisions of this Article shall be limited to the payment of instructional salaries and the purchase of supplies and materials required for instructional purposes.

Section 6. The compliance of each Public Junior College with the requirements set forth in Sections 3, 4, and 5 of this Article shall be ascertained by the State Auditor who shall also audit the pertinent books and records of each College to determine the number of full-time student equivalents to be approved for apportionment purposes under this Article; then he shall certify immediately his findings to the Texas Central Education Agency.

Section 7. Vouchers for disbursement of the sums appropriated herein shall be prepared by the Texas Central Education Agency on the basis of the State Auditor's findings as prescribed in Section 6 hereof. It is expressly provided that the Texas Central Education Agency may in October of each year prepare vouchers for payment to each eligible Junior College of an installment not to exceed fifty per cent (50%) of the lesser of the following two amounts: (1) the State apportionment such College received for the preceding fiscal year, or (2) an estimate certified by each College president as to the probable

total apportionment that will be due his College for the current fiscal year. After the receipt of the State Auditor's certificate, the Texas Central Education Agency shall prepare vouchers for the payment of the balance due each College for the fiscal year after deducting such installment payment previously made. In submitting vouchers for disbursement of the funds herein appropriated, the Texas Central Education Agency shall certify to the State Comptroller of Public Accounts that each school listed has qualified and is entitled to receive such funds under the terms of this Article.

Section 8. Any deliberate falsification by any official or employee of any Public Junior College of the student enrollment records or the records of tuition payments and receipts whereby that College's share of Public Junior College State Aid has been or would be illegally increased, shall cause the withdrawal of all further financial aid provided under this Article. The State Auditor is hereby directed to report any instances which in his opinion constitute such falsification of records to the Legislative Audit Committee, and whenever the Committee finds, after giving the college adequate notice and fair hearing, that a deliberate and intentional falsification of records has occurred, the Committee shall certify its findings to the State Comptroller who shall deny payment of any further funds herein appropriated to such Public Junior College.

BRACEWELL
LATIMER

On motion of Senator Martin the amendment was tabled by the following vote:

Yeas—19

Aikin	Moffett
Colson	Owen
Corbin	Ratliff
Fly	Roberts
Fuller	Rogers
Hardeman	of Childress
Kazen	Rogers of Travis
Kelley	Shireman
Lock	Strauss
Martin	Wagonseller

Nays—5

Bracewell	Phillips
Latimer	Willis
McDonald	

Absent

Ashley	Parkhouse
Moore	Secrest

Absent—Excused

Hazlewood	Weinert
Lane	

Senator Owen offered the following amendment to the bill:

Amend H. B. 140, Texas Western College, page 152, by deleting the sums and figures for each year in lines 1, 2, and 3 and substituting therefor the sums and figures as follows in lines numbered 1, 2, and 3:

"1. \$ 11,000
2. 119,854

\$130,854

3. \$841,042"

And by inserting a new line following number 3 to be numbered 4, and to read as follows:

"4. School of nursing (includes other salaries and wages) 1956—\$35,000, 1957—\$39,400."

And renumbering the following lines accordingly.

On motion of Senator Martin the amendment was tabled.

Senator Rogers of Travis offered the following amendment to the bill:

Amend Committee Substitute for House Bill 140, Article 6, Section 8, subsection (k), p. 193, to make the first clause of the first sentence read as follows:

"All officials and employees traveling at the expense of the State are hereby limited to total amount of Eight Dollars (\$8.00) per day for meals and lodging."

On motion of Senator Martin the amendment was tabled by the following vote:

Yeas—18

Aikin	Owen
Colson	Parkhouse
Corbin	Ratliff
Fly	Roberts
Fuller	Rogers
Kazen	of Childress
Kelley	Shireman
Lock	Strauss
Martin	Wagonseller
Moffett	

Nays—6

Bracewell	Phillips
Latimer	Rogers of Travis
McDonald	Willis

Absent

Ashley	Moore
Hardeman	Secrest

Absent—Excused

Hazlewood	Weinert
Lane	

Senator Owen offered the following amendment to the bill:

Amend H. B. 140, p. 129, items entitled Rio Grande Compact Commission by deleting the sums and figures \$7,620 wherever they appear and substituting in lieu therefor the sums and figures \$9,125 for each year of the years 1956 and 1957.

On motion of Senator Martin the amendment was tabled by the following vote:

Yeas—20

Aikin	Parkhouse
Colson	Ratliff
Corbin	Roberts
Fly	Rogers
Fuller	of Childress
Hardeman	Rogers of Travis
Kazen	Shireman
Kelley	Strauss
Latimer	Wagonseller
Lock	Willis
Martin	

Nays—5

Bracewell	Owen
McDonald	Phillips
Moffett	

Absent

Ashley	Secrest
Moore	

Absent—Excused

Hazlewood	Weinert
Lane	

Senator McDonald offered the following amendment to the bill:

Amend item 2 of appropriations for The Terrell State Hospital found on page 10 of the Report of The Senate Finance Subcommittee to The Senate Finance Committee to Senate Bill No. 140, by striking the figures \$1,330,635.00 for each fiscal year and substituting therefor \$1,405,549.00 for

each year and by adjusting the fiscal year totals for such hospital accordingly.

On motion of Senator Martin the amendment was tabled by the following vote:

Yeas—17

Aikin	Martin
Colson	Moffett
Corbin	Owen
Fly	Ratliff
Fuller	Rogers
Hardeman	of Childress
Kazen	Shireman
Kelley	Strauss
Lock	Wagonseller

Nays—6

Bracewell	Phillips
Latimer	Roberts
McDonald	Willis

Present—Not Voting

Parkhouse

Absent

Ashley	Rogers of Travis
Moore	Secrest

Absent—Excused

Hazlewood	Weinert
Lane	

Senator Owen offered the following amendment to the bill:

Amend H. B. 140, page 107, by deleting the following:

Sum and figures appearing in lines 3, 4, and 6, and inserting in lieu therefor the following:

3. \$5,000.

4. \$3,000.

6. \$9,950.

wherever they appear in said lines and changing the respective totals accordingly.

On motion of Senator Martin the amendment was tabled.

The bill was passed to third reading.

Record of Vote

Senators Phillips and Bracewell asked to be recorded as voting "Nay" on the passage of C. S. H. B. No. 140 to third reading.

Committee Substitute

House Bill 140 on Third Reading

Senator Martin moved that Senate

Rule 32 and the Constitutional rule requiring bills to be read on three several days be suspended and that C. S. H. B. No. 140 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—22

Aikin	Parkhouse
Colson	Ratliff
Corbin	Roberts
Fly	Rogers
Fuller	of Childress
Kazen	Rogers of Travis
Kelley	Secrest
Lock	Shireman
Martin	Strauss
McDonald	Wagonseller
Moffett	Willis
Owen	

Nays—4

Bracewell	Latimer
Hardeman	Phillips

Absent

Ashley	Moore
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Absent—Excused

Hazlewood	Weinert
Lane	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Record of Vote

Senators Phillips, Bracewell, Latimer and Hardeman asked to be recorded as voting "Nay" on the final passage of C. S. H. B. No. 140.

House Bill 61 on Second Reading

Senator Shireman asked unanimous consent to suspend the regular order of business and that H. B. No. 61 be taken up for consideration at this time.

There was objection.

Senator Shireman then moved to suspend the regular order of business and that H. B. No. 61 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—17

Aikin	Parkhouse
Colson	Ratliff
Corbin	Rogers
Fuller	of Childress
Kazen	Rogers of Travis
Kelley	Secrest
Lock	Shireman
Moffett	Strauss
Owen	Willis

Nays—8

Bracewell	McDonald
Fly	Phillips
Hardeman	Roberts
Latimer	Wagonseller

Absent

Ashley	Moore
Martin	

Absent—Excused

Hazlewood	Weinert
Lane	

The President laid before the Senate on its second reading and passage to third reading the following bill:

H. B. No. 61, A bill to be entitled "An Act amending Article 4632 of the Revised Civil Statutes of Texas, 1925, so as to increase from 30 days to 90 days the period of time which must expire after suit is filed before a suit for divorce may be heard or divorce granted; excepting suits which are pending on the effective date of the Act; and declaring an emergency."

The bill was read the second time.

Senator Shireman offered the following amendment to the bill:

Amend H. B. 61, Section 1, by deleting the words and figures "90 days" therefrom and substituting therefor the words and figures "60 days."

The amendment was read.

Question—Shall the amendment by Senator Shireman to H. B. No. 61 be adopted?

Adjournment

On motion of Senator Wagonseller, the Senate at 12:42 o'clock a. m. adjourned until 10:30 o'clock a. m. on Monday, March 28, 1955.

Record of Vote

Senator Phillips asked to be recorded as voting "Nay" on the motion to adjourn.